

IN THE HIGH COURT OF JUDICATURE AT MADRAS

DATED : 24.02.2015

CORAM

THE HONOURABLE MR.JUSTICE S.MANIKUMAR

Crl.R.C.No.803 of 2013
and M.P.Nos.1 to 3 of 2013

C.M.Ramesh

.. Petitioner/Appellant/
Accused

Vs

M/s.Trigger Marketing Limited,
Rep. By its Manager,
V.Santhanamuthu

.. Respondent/Respondent/
Complainant

Criminal Revision filed under sections 397 r/w 401 of Criminal Procedure Code against the judgment and conviction imposed in C.C.No.92 of 2012 dated 17.05.2012 on the file of Judicial Magistrate's Court, Fast Track Court, Magistrate Level-I, Coimbatore and confirmed the same in C.A.No.163 of 2012 dated 21.09.2012 on the file of I Additional District and Sessions Judge, Coimbatore.

For Petitioner : Mr.M. N.Balakrishnan

For Respondent : Mr.Maruthachalam

O R D E R

Case of the respondent is that for a sum of Rs.64,256/- due and payable petitioner, issued a cheque dated 05.03.2008 drawn on IDBI Bank, Viscose Towers Branch. Cheque presented, with the respondent bank viz., M/s.Tamilnad Mercantile Bank Limited, was dishonoured. Hence, a statutory notice dated 22.08.2008 was sent. As amount was not paid, complaint under Section 138 of the Negotiable Instruments Act, filed was taken on record in C.C.No.92 of 2012 on the file of the learned Judicial Magistrate, FTC, Coimbatore.

2. Upon trial, the petitioner was found guilty of an offence under Section 138 of the Negotiable Instruments Act and sentenced to undergo simple imprisonment for a period of one year and to pay a fine of Rs.1,000/-. A further direction to pay compensation of Rs.64,256/- was also ordered. Criminal Appeal No.163 of 2012 ended in confirmation on 21.09.2012.

3. Being aggrieved by the decisions stated supra, present revision case is filed.

4. Material on record discloses that the matter has been sent to mediation. Subsequently, on 02.02.2015, this Court has passed the following orders.

"On 06.01.2015, Mr.Arunkumar, representing the learned counsel for the petitioner submitted that the entire amount would be settled and sought for time. Time was granted. On 21.01.2015, Mr.M.N.Balakrishnan, learned counsel on record submitted that the disputed amount of Rs.64,256/- could not be paid, as assured on 06.01.2015, due to ensuing pongal Holidays. He further submitted that on the next hearing date, Demand Draft for a sum of Rs.64,256/- would be produced.

However, on this day, when the matter came up for hearing learned counsel for the petitioner submitted that the petitioner could arrange only Rs.40,000/- and the balance amount would be paid within two (2) days. His submission is placed on record.

Without prejudice to the rights of the respondent, Mr.Kovi Ganesan, learned counsel has acknowledged the receipt of Rs.40,000/- (Rupees Forty Thousand Only) in cash. However, he requires, written instructions from the respondent for settlement of Rs.64,256/-. Post on 05.02.2015."

5. On this day, Mr.M.N.Balakrishnan, learned counsel for the petitioner submitted that the respondent has agreed for compounding of the offence under Section 138 of the Negotiable Instruments Act, on payment of a sum of Rs.35,000/- which includes Rs.10,744/- in addition to the cheque amount. Sum of Rs.35,000/- tendered has been acknowledged by Mr.M.Marudhachalam, learned counsel for the respondent/complainant. He has also made an endorsement to the effect that the respondent is willing to compound the offence and that he has received a sum of Rs.35,000/- towards full and final quit of the claim.

WEB COPY

6. In view of the above, this Court is inclined to allow this revision. Accordingly, the offence under section 138 of the Negotiable Instruments Act shall stand compounded. The petitioner shall stand acquitted in the case. Fine amount, if any, paid by the petitioner shall be refunded to him. Consequently, the connected Miscellaneous Petitions are closed.

Sd/-
Assistant Registrar

//True Copy//

Sub Assistant Registrar

ars

To

1. The Judicial Magistrate, Fast Track Court,
Magistrate Level-I, Coimbatore
2. The I Additional District and Sessions Judge, Coimbatore.
3. -do- Through The Principal Sessions Judge, Coimbatore.

+ 1 cc to Mr.M.N. Balakrishnan, Advocate SR.11056

+ 1 cc to Mr.K. Goviganesan, Advocate SR.10160

Crl.R.C.No.803 of 2013

SCD(CO)
Eu 12.03.2015

सत्यमेव जयते

WEB COPY